

LEGISLATIVE BILL 90

Approved by the Governor March 18, 2009

Introduced by Heidemann, 1; Pirsch, 4.

FOR AN ACT relating to audiovisual court appearances; to amend section 29-4204, Reissue Revised Statutes of Nebraska; to eliminate certain requirements regarding audiovisual court appearances; to repeal the original section; and to outright repeal section 29-4203, Reissue Revised Statutes of Nebraska.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 29-4204, Reissue Revised Statutes of Nebraska, is amended to read:

29-4204 The audiovisual communication system and the facilities for an audiovisual court appearance shall:

(1) Operate so that the detainee or prisoner and the judge or magistrate can see each other simultaneously and converse with each other verbally and documents can be transmitted between the judge or magistrate and the detainee or prisoner;

(2) Operate so that the detainee or prisoner and his or her counsel, if any, are both physically in the same location during the audiovisual court appearance; or if the detainee or prisoner waives the right to have counsel physically present and the detainee or prisoner and his or her counsel are in different locations, operate so that the detainee or prisoner and counsel can communicate privately and confidentially and be allowed to confidentially transmit papers back and forth; and

(3) Be at locations conducive to judicial proceedings. Audiovisual court proceedings may be conducted in the courtroom, the judge's or magistrate's chambers, or any other location suitable for audiovisual communications. The locations shall be sufficiently lighted for use of the audiovisual equipment. The location provided for the judge or magistrate to preside shall be accessible to the public and shall be operated so that interested persons have an opportunity to observe the proceeding.

Sec. 2. Original section 29-4204, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 3. The following section is outright repealed: Section 29-4203, Reissue Revised Statutes of Nebraska.